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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/736,408	12/15/2003	Edward Alan Clark	LUC-444/Clark 12-11	3955
32265 7590 01/29/2011 Carmen Patti Law Group, LLC One N. LaSalle Street 44th Floor Chicago, IL 60602				
EXAMINER				
AL AUBAIDI, RASHA S				
ART UNIT		PAPER NUMBER		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/736,408

Applicant(s)

CLARK ET AL.

Examiner

RASHA S. AL AUBAIDI

Art Unit

2614

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 November 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 3-8, 10-23 and 25-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3-8, 10-23 and 25-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. This in response to amendment filed 11/01/2010. No claims have been added. No claims have been canceled. No claims have been amended. Claims 1, 3-8, 10-23 and 25-30 are still pending in this application.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1, 3-8, 10-23 and 25-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gibson (Pub.No.: 2003/0228011) in view of Giltho et al. (US PAT 6,625,141).

Regarding claim 1, Gibson teaches a service control component (reads on SCP 23, Fig. 1) that provides to one or more telephony devices (see phones 20 and 25 on Fig. 1) of a plurality of telephony devices on a call, one or more services associated with one or more numbers associated with the one or more telephony devices on the call through employment of one or more data streams associated with the call (this basically reads on the SCP 23 providing service such as call forwarding for example, see abstract and [0092]); and one or more application server components which cooperate with the service control component (this reads on SN/IP 57, as shown in Fig. 1 and discussed in [0110] and or component AN/IP 40 as discussed in [0178]) through employment of one or more data streams (this basically reads on the communication between SCP and intelligent peripheral 40 using SR-3511 protocol or any equivalent protocol [0179]) between the service control component and the one or more application server components to provide the one or more services [to provide the call forwarding].

Although, Gibson specifically teaches the use of SR-3511 protocol or any equivalent protocol [0179], however, Gibson does not specifically teach the use of "a Session initiation protocol" as recited in the claim's language.

However, Glitho teaches a system and method for providing services in an integrated telecommunications network using a session initiation protocol (SIP) (see abstract). In Glitho SIP messages as provided herein advantageously to allow the use of SIP as a protocol for communication between SIP entities and IN-based SCPs (see col. 7, lines 15-29 and col. 9, lines 42-51).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of an old and notorious protocol such the one taught by Glitho (SIP), into the Gibson system in order to enhance the systems performance of processing and providing services to users and provide diversity of utilizing different protocols when needed. Advantages of using an old and an existing protocol such as the "SIP" are old and well known in the art.

Claims 16, 23 and 27-30 are rejected for the same reasons as discussed above with respect to claims 1-2.

Claims 3-4, 17-19, 22 and 25 basically reads on identifying the customer calling number and analyzing the entered data streams and based on that providing the required services (this also taught by Gibson in [0098] which teaches identifying the calling party directory number that is forwarded to a forwarded-to number when a call forwarding function of the call forwarding service is active).

Claim 5 recites "the one or more services comprise one or more routing services, wherein the service control component employs the information to evaluate the one or more routing services; wherein the service control component communicates with a switch component to route the call based on the one or more routing services". See Gibson discussion in 0101-0102.

For claims 6-8 limitations, see Gibson [0118 and 0121].

Claim 10 recites "one or more identifiers comprise one or more addresses associated with one or more of the one or more application server components; wherein the service control component and the one or more of the one or more application server components employ the one or more identifiers to establish the one or more data streams". The claimed feature of "employ the one or more identifiers to establish the one or more data streams" is inherent if not obvious within the teachings of Gibson.

Claims 11-14 are rejected for the same reasons as discussed above with respect to claim 10.

The limitation of claim 15 basically reads on the use on an Internet and the associated web client 30. See for example the use of internet 44, as shown in Fig. 1.

Claim 20 recites "the service control component and the one or more of the one or more switch components employ one or more Transactional Capabilities Application Part (TCAP) queries to associate the identifier with the call". The use of a TCAP messages in an AIN environment is inherent.

Claim 21 is rejected for the same reasons as discussed above with respect to claim 20.

Claim 26 is rejected for the same reasons as discussed above with respect to claims 1-2, 3-4, 17-19, 22 and 25, respectively.

Response to Arguments

3. Applicant's arguments filed 11/01/2010 have been fully considered but they are not persuasive.

Applicant argues (Page 11 of the Remarks) that "The Examiner Proposes to modify Gibson by substituting Gibson's SR-3511 protocol with the Session Initiation Protocol disclosed in Glitho". Gibson's teaches that communication between SCP and intelligent peripheral 40 is established using SR-3511 protocol or any equivalent protocol [0179]. This clearly means that Gibson's is not limited to the use of SR-3511 protocol only.

Applicant also argues (Page 12 of the Remarks) that "By contrast, Glitho discloses that SIP messaging formats are extended so that SIP servers are provided with the capability to access the service logic stored in IN-based nodes...etc". It is noted that Applicant is providing argument and analyzing the teachings and certain limitations of Glitho. However, what is being modified in this instance is the teachings of Gibson's and not the teachings of Glitho. Providing argument such as "Glitho modified SIP server acts as a witch" is irrelevant. The Applicant is reminded that the direct communication established between the SCP and the SN/IP via the use of SR-3511 protocol or any other protocol [0179]. Thus, Gibson is not limited to the used of SR-3511 protocol only, thus from that perspective modifying the protocol utilized in Gibson's would be obvious and logical.

Applicant argues (Page 12 of the Remarks) that "Glitho's technique does not use signaling system 7 protocol for communications between the switches". The Examiner refers the Applicant to col. 2, lines 12-37 wherein the prior art admit and discuss the use of SS7.

In addition Applicant provide an argument (Pages 13-14 of the Remarks) and a comparison between the two applied prior art and how each one of those references addresses a different problem. First, it appears that Applicant is arguing each reference individually and not considering the 35 U.S.C 103 (a) rejection as a whole. Second, the Examiner is not concerned with the problems addressed or the services provided by

Glitho, since should Glitho was only introduced to provide SIP that is utilized for communication between two components (SCP and SN/IP) that is taught by Gibson.

The Examiner believes that all other arguments are already addressed in the above rejection.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rasha S AL-Aubaidi whose telephone number is (571) 272-7481. The examiner can normally be reached on Monday-Friday from 8:30 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on (571) 272-7488.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Rasha S AL-Aubaidi/

Primary Examiner, Art Unit 2614